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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/030,859	01/10/2002	Kiyohiko Uchida	1511.00004	8825
7590	03/31/2004		EXAMINER	
John S Mortimer Wood Phillips VanSanten Clark & Mortimer Suite 3800 500 West Madison Street Chicago, IL 60661-2511			JACKSON, MONIQUE R	
			ART UNIT	PAPER NUMBER
			1773	
DATE MAILED: 03/31/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

10/030,859

**Applicant(s)**

UCHIDA ET AL.

**Examiner**

Monique R Jackson

**Art Unit**

1773

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 05 January 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-3,6-9,12 and 13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3,6-9,12 and 13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

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### **DETAILED ACTION**

1. The amendment filed 1/5/04 has been entered. Claims 4-5 and 10-11 have been canceled. New claims 12 and 13 have been added. Claims 1-3, 6-9 and 12-13 are pending in the application.

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

### ***Claim Rejections - 35 USC § 103***

3. Claims 1-3, 6-9 and 12-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Andersen et al in view of Mitsuo (USPN 5,534,292) and in further view of JP 62197368A (JP'368). As discussed in the prior office action, Andersen et al teach a molded article comprising a body made from a moldable material such as concrete or concrete-like materials improved by applying a layer of metal to one or more surface parts thereof wherein the moldable composition comprises (A) homogeneously arranged solid particles such as silica dust of a size of from about 50 to about 0.5 $\mu$ m; (B) densely packed solid particles, preferably as cement particles, having a size of the order of 0.5-100 $\mu$ m and being at least one order of magnitude larger than the respective particles stated as (A); wherein A is present in a volume amount of 0.1-50% by volume based on the total of A and B; optionally (C) compact-shaped solid particles of a material having a strength exceeding that of ordinary sand and stone used for ordinary concrete in an amount of 1-90% by volume based on the total of A, B, and C; and further a polymer such as curable acrylic resin in an amount ranging between 0.1 and 35% by volume; wherein the moldable material may further comprise plasticizers in an amount of 1-4 wt%, surface-active dispersing agents in suitable amounts; and various fibers in an amount of 1-5%; wherein the

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amounts taught by Andersen et al would fall within the instantly claimed ranges (Abstract; Col. 2, line 8-Col. 4, line 29; Col. 5, lines 17-39; Col. 6, lines 1-52; Col. 6, line 65-35.) Andersen et al teach that the molded body may be formed by extruding the moldable material or pressing the moldable material into the desired shape, curing and further coating a layer of metal via vapor deposition, electroplating, plasma plating Col. 7, lines 54-68; Col. 9, line 1-Col. 10, line 49; Col. 11, line 1-Col. 12, line 21.)

4. Though Andersen et al teach that the hydraulic composition is cured and then coated with metal such as by an electroplating process, Andersen et al do not specifically teach curing the composition via a steam curing process or an autoclaving curing process, however, it is well established in the art that hydraulic composition can be cured by a number of curing methods including air drying, heat curing, steam curing, and autoclave curing, as evidenced by Mitsuo (Col. 1) wherein it would have been obvious to one having ordinary skill in the art at the time of the invention to utilize any conventional, comparable curing method such as steam curing or autoclave curing to cure the composition taught by Andersen et al given the reasonable expectation of success. Further, though Andersen et al teach that the metal coating may be applied by any suitable process but preferably by applying discrete particles or microunits such as by an electroplating process, Andersen et al do not specifically teach first applying a catalyst for electroless plating followed by forming an electroless-plated coating on the surface prior to the electroplating process. However, as taught by JP'368, when electroplating an inorganic material such as consisting of cement, the cement is first subjected to electroless plating by applying a catalyst for electroless plating followed by electroless plating to provide a conductive surface on the cement material which can then be subjected to electroplating. Hence, it would

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have been obvious to one having ordinary skill in the art at the time of the invention to first subject the molded article taught by Andersen et al to electroless plating utilizing a catalyst for electroless plating in order to provide a conductive surface to apply the metal coating via electroplating as taught by JP'368. With regards to Claims 2 and 7, as previously stated, though Andersen et al teach amount that would fall within the instantly claimed weight parts/percentages, Andersen et al do not specifically limit the invention to the instantly claimed values. However, given that the amount of each component taught by Andersen et al is a result-effective variable affecting the physical and mechanical properties of the final molded product as taught by Andersen et al, it would have been obvious to one having ordinary skill in the art at the time of the invention to determine the optimum amounts of each component to provided based on the desired end use. Lastly, with regards to Claim 9, as previously stated, though Andersen et al teach various additives that fall within the instantly claimed term "moldability improver", Andersen et al do not specifically teach the use of talc in the hydraulic composition. However, talc is a conventional additive utilized in polymer/cement composition and would have been obvious to one skilled in the art at the time of the invention.

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period

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will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Monique R Jackson whose telephone number is 571-272-1508. The examiner can normally be reached on Mondays-Thursdays, 8:00AM-4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul J Thibodeau can be reached on 571-272-1516. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Monique R. Jackson  
Primary Examiner  
Technology Center 1700  
March 24, 2004